

UNITED STATES DISTRICT COURT

for the

District of New Hampshire

United States of America

v.

Diana Daffin

Case No.

21-mj- 116-01-AJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 23, 2021 in the county of Hillsborough in the
District of New Hampshire, the defendant(s) violated:

*Code Section**Offense Description*

21 U.S.C. § 331(a), 331(c), 331(d)

Interstate Sale of Adulterated or Misbranded Drugs

21 U.S.C. § 331(k)

Purposeful Adulteration or Misbranding of Drugs

21 U.S.C. § 333(a)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet./s/ William Hughes*Complainant's signature*Special Agent William Hughes*Printed name and title*Sworn to before me and ~~signed in my presence.~~ via telephonic conference.Date: May 7, 2021Andrea K. Johnstone*Judge's signature*City and state: Concord, New HampshireHon. Andrea K. Johnstone, US Magistrate Judge*Printed name and title*

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

DIANA DAFFIN (DOB: 02/09/1953)

I, William Hughes, being duly sworn, declare and state as follows:

INTRODUCTION

1. I am a Special Agent of the United States Food and Drug Administration, Office of Criminal Investigations (FDA-OCI), and have served as an FDA-OCI Special Agent for the past eight years. I am assigned to the Boston Resident Office; whose geographic jurisdiction includes the District of New Hampshire. I am responsible for investigating violations of the Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. § 301 *et seq.*, and other federal statutes enforced by FDA, and am authorized to conduct investigations, make arrests, and execute search and arrest warrants for these offenses. I was previously a Special Agent with the Criminal Investigation Command, United States Army, for over eleven years. I have received training in criminal investigative techniques throughout my law enforcement career and have completed courses including the FDA-OCI Special Agent Training Program at the Federal Law Enforcement Training Center and the United States Army Criminal Investigations Special Agent Training Course. I graduated from Campbell University in North Carolina with a degree in Criminal Justice.

2. The following information is based on my personal observations, my training and experience, and information obtained from law enforcement personnel and witnesses. The purpose of this affidavit is limited to showing that probable cause exists to support the issuance of an arrest warrant and criminal complaint. Accordingly, while this affidavit contains all the material information I am aware of that is pertinent to the requested arrest warrant and

complaint, it does not include each and every fact known by me or other investigators concerning the investigation.

RELEVANT STATUTES

3. 21 U.S.C. § 331(a) states:

The introduction or delivery for introduction into interstate commerce of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded [is prohibited].

4. 21 U.S.C. § 331(c) states:

The receipt in interstate commerce of any food, drug, device, tobacco product, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise [is prohibited].

5. 21 U.S.C. § 331(d) states:

The introduction or delivery for introduction into interstate commerce of any article in violation of section 344, 350d, 355, or 360bbb-3 of this title [is prohibited].

21 U.S.C. § 355(a) states that “[n]o person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application . . . is effective with respect to such drug.”

6. 21 U.S.C. § 331(k) states:

The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, tobacco product, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated or misbranded [is prohibited].

7. 21 U.S.C. § 333(a) states in part:

(1) Any person who violates a provision of section 331 of this title shall be imprisoned for not more than one year or fined not more than \$1,000, or both.

(2) Notwithstanding the provisions of paragraph (1) of this section, if any person .

. . commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

LEGAL BACKGROUND

8. The United States Food and Drug Administration (FDA) is a federal agency responsible for protecting the health and safety of the American public by enforcing the FDCA. One purpose of the FDCA is to ensure that drugs sold for use in humans and other animals are safe and effective for their intended uses.

9. Whether a product is a “drug” under the FDCA depends on its intended use. 21 U.S.C. § 321(g)(1). Drugs are defined as, among other things, articles intended for the use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, 21 U.S.C. § 321(g)(1)(B); articles (other than food) intended to affect the structure or function of the body of man or other animals, 21 U.S.C. § 321(g)(1)(C); and articles intended for use as components of other drugs, 21 U.S.C. § 321(g)(1)(D).

10. Intended use refers to the objective intent of the persons legally responsible for labeling the product and is determined by such person’s expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. 21 C.F.R. §§ 201.128, 510.3(f).

11. The FDCA defines “label” as “a display of written, printed, or graphic matter upon the immediate container of any article,” 21 U.S.C. § 321(k), and “labeling” as “all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article,” 21 U.S.C. § 321(m).

HUMAN DRUGS

12. A “new drug” is defined as “[a]ny drug (except a new animal drug or an animal feed bearing or containing a new animal drug) the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof.” 21 U.S.C. § 321(p)(1).

13. Under the FDCA, a drug product that is a “new drug” cannot be lawfully introduced into interstate commerce unless and until a sponsor submits a new drug application for that drug product and FDA determines that the drug is safe and effective for its intended uses and approves that new drug application. 21 U.S.C. § 355(a).

14. A drug can be misbranded under the FDCA if its labeling fails to bear “adequate directions for use,” unless it complies with regulations promulgated by FDA exempting it from that requirement. 21 U.S.C. § 352(f)(1).

15. “Adequate directions for use” means directions under which a layman can use a drug safely for the purposes for which it is intended. 21 C.F.R. § 201.5.

16. Under the FDCA, a “prescription drug” is any drug intended for use in humans that, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or is limited by an approved application under section 21 U.S.C. § 355 for use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

17. Because a prescription drug, by definition, is safe for use only under the supervision of a licensed practitioner, there are no directions that could enable a layman to use a prescription drug safely. Therefore, adequate directions for use cannot be written for a prescription drug.

18. Accordingly, a prescription drug is misbranded if it does not comply with FDA regulations that exempt prescription drugs from the adequate directions for use provision. For a drug that is a “new drug” within the meaning of 21 U.S.C. § 321(p), compliance with such regulations requires that the drug be approved by FDA for its intended use and that its labeling conform to the terms of that approval. 21 CFR 201.115; 21 CFR 201.100(c)(2).

19. Dispensing a prescription drug without a valid prescription by a licensed practitioner is an act which also causes a drug to be misbranded while held for sale. 21 U.S.C. § 353(b)(1).

ANIMAL DRUGS

20. The FDCA defines a “new animal drug” to include any drug intended for use in animals other than man, including any drugs intended for use in animal feed but not including such animal feed, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the drug’s labeling. 21 U.S.C. § 321(v)(1).

21. New animal drugs that are not the subject of an approved new animal drug application, conditionally approved new animal drug application, or index listing are unsafe under 21 U.S.C. § 360b(a)(1), and adulterated under 21 U.S.C. § 351(a)(5).

22. A “prescription animal drug” includes a drug intended for use in animals other than man that because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, is not safe for animal use except under the professional supervision of a licensed veterinarian. 21 U.S.C. § 353(f)(1)(A).

23. Under the FDCA, a prescription animal drug may only be dispensed by or upon the lawful written or oral order of a licensed veterinarian in the course of the veterinarian’s professional practice. 21 U.S.C. § 353(f)(1)(A).

24. Dispensing a prescription animal drug without the prescription of a licensed veterinarian is an act which also causes a drug to be misbranded while held for sale. 21 U.S.C. § 353(f)(1)(C).

PROHIBITED ACTS UNDER THE FDCA

25. The FDCA prohibits, among other things, the doing or causing of the following:

- a. The introduction or delivery for introduction into interstate commerce of misbranded or adulterated drugs, pursuant to 21 U.S.C. § 331(a);
- b. The receipt in interstate commerce of any misbranded or adulterated drugs, and the delivery or proffered delivery thereof for pay or otherwise after that receipt, pursuant to 21 U.S.C. § 331(c);
- c. The introduction or delivery for introduction into interstate commerce of new drugs for human use that are neither approved nor exempt from approval, pursuant to 21 U.S.C. § 331(d); and

d. The doing of any act with respect to a drug if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being misbranded, pursuant to 21 U.S.C. § 331(k).

26. Any person who commits one of the aforementioned prohibited acts under the FDCA commits a misdemeanor, regardless of mens rea, punishable by imprisonment for not more than one year. 21 U.S.C. § 333(a)(1).

27. Any person who commits one of the aforementioned prohibited acts under the FDCA, with the intent to defraud or mislead either consumers or government regulators, commits a felony, punishable by up to three years imprisonment. 21 U.S.C. § 333(a)(2).

THE INVESTIGATION

28. In March 2020, during routine internet surveillance for products being marketed for the diagnosis, cure, mitigation, treatment, or prevention of COVID-19, FDA's Office of Surveillance and Compliance became aware of the website holistichealthypet.com and the business Savvy Holistic Health dba Holistic Healthy Pet. FDA observed that the website holistichealthypet.com was offering for sale the brand name "HAMPL" products that included "China Oral Nosode" also called "China Corona Nosode" and the "CV Respiratory Kit", both under the description, "AN330 – Corona Viral Immune Support and/or Active Respiratory Infection for all ages."

29. On or about April 7, 2020, the FDA issued a joint warning letter from the Center for Drug Evaluation and Research (CDER) and the Center for Veterinary Medicine (CVM) advising Savvy Holistic Health dba Holistic Healthy Pet and Holistic Animal Remedies that FDA had reviewed the website holistichealthypet.com and that multiple products offered for sale

on the website, including products under the description “AN330 – Corona Viral Immune Support and/or Active Respiratory Infection for all ages” were adulterated, misbranded, and unapproved new drugs. FDA advised the entities to take immediate action to correct the violations cited in the warning letter. The warning letter was sent via email to holistichealthypet@gmail.com and perthoffice@hampl.com.au (emails taken from the “contact us” section of the website).

30. On April 9, 2020, Diana Daffin of Savvy Holistic Health/Holistic Healthy Pet, responded via email address holistichealthypet@gmail.com (the “Subject Account”) to the FDA following the receipt of the warning letter stating:

We have removed this product from our websites.

Diana Daffin
Savvy Holistic Health
Charlotte NC

31. In June 2020, Special Agent Robert Ekey, FDA-OCI (retired), emailed holistichealthypet@gmail.com inquiring about the availability of the AN330 Human Pandemic Flu product. Shortly thereafter he received an email from support@hampl.com.au, who offered for sale the AN330 product.

32. On June 22, 2020, an undercover purchase of AN330 was executed from Holistic Animal Remedies. The product was received in New Hampshire on July 8, 2020, via the international postal service Express Mail Service, from Ariel Wings PTY LTD, Mount Hawthorn, Australia, aka Holistic Animal Remedies dba HAMPL Pet Formulas.

33. On or about August 25, 2020, the FDA issued a second warning letter to Savvy Holistic Health dba Holistic Healthy Pet, via the email address holistichealthypet@gmail.com.

The warning letter advised Savvy Holistic Health dba Holistic Healthy Pet that based on a review of the website www.holistichealthpyet.com multiple products, including “Doctor’s Best for Your Pets - Bee Propolis, Savvy Hlistic [sic] Health Pet Essences - Calming Comfort, Holistic Animal Remedies (HAMPL)/ HAMPL Pet Formulas (AN008, AN013(A), AN013(D), AN165, AN167, AN169, AN177, AN183(A), AN206, AN231, AN287, and AN312), Calm My Pet - Calming Essence: Calm My Arthritis, and Glacier Peak Holistics - Inflation Capsules” were unapproved new animal drugs and the marketing of these products violated the FDCA.

34. On September 15, 2020, Daffin replied by email to the FDA. Regarding HAMPL products, Daffin stated:

- HAMPL products—I’ll be closing that product line until I have better understanding of the rules. I do believe some can be revised and comply

35. Daffin concluded her email stating:

In summary, most of the product lines on my website will be replaced
Since I only know how to Maintain my website not significantly alter as will be required here, I’ll either put a big disclaimer ‘under construction’ (since there will be big gaps) or I’ll turn it off completely.
I’ll be working on the website this week.

36. On October 16, 2020, members of the FDA Division of Compliance navigated to the website holistichealthpyet.com and found it was under construction; however, a password sign-in was located on the upper right side of the website.

37. On October 16, 2020, an undercover agent (“UC”) sent an email to the email address holistichealthpyet@gmail.com, which was listed on the website to contact with questions, inquiring when the website would be back up.

38. The UC received a response from “Diana” that stated:

From: **Diana Daffin** <holistichealthypet@gmail.com>
Date: Fri, Oct 16, 2020 at 9:20 PM
Subject: Re: Question
To: Judy Iwaskovitz <judyiwaskovitz@gmail.com>

Hi Judy, so glad you reached out.
You can enter and order thru the website, in the upper right corner asks for login password.
The password is:
bestfriends

No space and all lower case

Regards.
Diana

39. The password was entered into the website by FDA Division of Compliance personnel who observed the website was fully active and still offered for sale many of the products noted in the warning letters.

LEGITSCRIPT

40. In June 2020, FDA-OCI received the Initial Information Request Report (the “IRR”) from LegitScript concerning information on the companies Holistic Animal Remedies and Savvy Holistic Health was received.

41. LegitScript is an organization specializing in online internet pharmacy verification, customized platform sweeps, threat assessments, investigative reports, and online pharmacy certification approval by the U.S. National Association of Boards of Pharmacy. LegitScript often assists FDA-OCI in internet-based investigations.

42. The IRR for Holistic Animal Remedies revealed the company was established in 2004, as Holistic Animal Medicines Pty. Ltd. (HAMPL), and it now appears to operate under the umbrella of the Australia corporations Ariel Wings Pty. Ltd. and Arnica Pty. Ltd., with the

principal operator listed as Diana Moon-Hayes (aka Diana Hayes), and associated individuals as Adam Hayes, Teri Goldsworthy and Diana Daffin.

43. HAMPL is the brand name of hundreds of products the organization markets on its website holisticanimalremedies.com. In early 2020, the Australian agency that regulates agricultural and veterinary chemical products issued a recall of numerous HAMPL products.

44. Savvy Holistic Health was identified as the United States distributor for Holistic Animal Remedies. Savvy Holistic Health and Holistic Healthy Pet are two dba names for a Charlotte, North Carolina company owned by Diana Daffin that markets products from HAMPL and other manufacturers through holistichealthypet.com.

45. Two other domain names auto-redirect to holistichealthypet.com. Daffin has promoted HAMPL products on Facebook and was believed to operate holistichealthypet.com.

NORTH CAROLINA SECRETARY OF STATE INFORMATION

46. According to the North Carolina Secretary of State's business search website, Savvy Holistic Health, Savvy Holistic Pet, and Holistic Healthy Pet are dba names established on December 17, 2018, for Holistic Pet Chef, LLC, which was formed in July 11, 2012, in Charlotte, North Carolina.

47. The nature of the business on the certificate for Holistic Pet Chef is "pet chef, nutrition consulting, retail sales"; the address provided was 6768 Lynrose Court, Charlotte, North Carolina 28226; and the company's manager was listed as Diana Daffin.

48. According to the Mecklenburg County Property Record Card Property Search website the above property was purchased by Daffin in 2005.

UNDERCOVER PURCHASE AND EMAIL CORRESPONDENCE

49. On February 9, 2021, I sent an email to the Subject Account (holistichealthypet@gmail.com) from undercover (UC) email account soxmurphy125@gmail.com stating the following:

Bill Murphy <soxmurphy125@gmail.com> To: holistichealthypet@gmail.com	Tue, Feb 9, 2021 at 2:49 PM
Hi,	
I was wondering when your business will be open again?	
Bill	

50. Later that day, I received an email via the UC email address from "Diana" through the Subject Account stating:

Diana Daffin <holistichealthypet@gmail.com> To: Bill Murphy <soxmurphy125@gmail.com>	Tue, Feb 9, 2021 at 2:53 PM
Hi Bill, its password protected for now, but it works just fine. Trying to revise products but a bit challenged with it. Lol	
Top right corner enter password: bestfriends	
Diana HHP	

51. On February 10, 2021, I emailed the Subject Account using the UC email address stating the following:

Bill Murphy <soxmurphy125@gmail.com> To: Diana Daffin <holistichealthypet@gmail.com>	Wed, Feb 10, 2021 at 1:04 PM
Thanks I got in. You have a lot of interesting products here. I'm new to the holistic approach so i hope you don't mind me asking some questions. I have a 7 year old lab mix. I just got the bad news that he has bone cancer, so i've been researching different approaches, which is how i stumbled onto your site. Is there anything you would recommend?	
Bill	

52. Later that day, "Diana" replied through the Subject Account to the UC email

address:

Diana Daffin <holistichealthypet@gmail.com> Wed, Feb 10, 2021 at 2:37 PM
To: Bill Murphy <soxmurphy125@gmail.com>

Hi Bill, I'm sorry to hear about your pup. I'm a Reseller of the HAMPL products for about 11 years now and find them to be highly effective. However as a previous holistic pet shop owner for 11 years, I had many customers with dogs that got bone cancer and legs amputated, only to die a year later. So from that perspective if I had such a diagnosis with my pup I would not so that.

As a reseller, I can't really consult with you; however, the Hampl manufacturer is in Australia and their Practitioners can help you. Visit their website at www.holisticanimalremedies.com

Whatever they suggest you get, I most likely have in stock here.

They are opposite time zone

Take care.
Diana
HHP

53. Later that day, Diana wrote:

Diana Daffin <holistichealthypet@gmail.com> Wed, Feb 10, 2021 at 2:45 PM
To: Bill Murphy <soxmurphy125@gmail.com>

Note at the website search, you can type in bone cancer or type in AN206.
Click on the name of that product so it shows only that product on the page. See the tabs bottom half of the page for general health info, ingredients and a pdf file with info re all their cancer products. They have more than one product/set for bone so if that product doesn't seem to fit you can do another search for other products.
I suggest this if you want to learn more while waiting for HAMPL feedback

54. On February 16, 2021, I sent an email to the Subject Account from the UC email

account stating:

Bill Murphy <soxmurphy125@gmail.com> Tue, Feb 16, 2021 at 3:23 PM
To: Diana Daffin <holistichealthypet@gmail.com>

Thank you Diana,

I will reach out to Hampl. In your experience using these products, do they work? I also noticed on your site the product an274. as you can imagine this is a stressful time, have you used it? does it help? Do you have any other homeopathic products for us?

Bill

55. Later that day, Diana responded stating the following:

holistichealthypet@gmail.com <holistichealthypet@gmail.com> Tue, Feb 16, 2021 at 4:30 PM
To: Bill Murphy <soxmurphy125@gmail.com>

Hi Bill,

I've been selling the HAMPL products for about 11 years now. When I first opened my very holistic pet store I sold several different brands and modalities and over time found nothing worked as well as HAMPL and in the end sold only this brand of remedies.

Unfortunately, it's hard to know to what extent the products work for example with cancer. Many times customers try other suggestions thru vets, etc and hampl is their last product to try.

Many times by then it's just too late. I've known of many patients that at the very least the products gave the pet more comfort and extended their lives. I'm not sure how many were actually cured.

I then ask the customer, are you trying to cure the cancer? If so, throw everything and anything at it. At least that's my perspective.

Thru my hundreds/thousands of customers over the years, I've witnessed many miracles with the use of HAMPL. The utmost key is to use them consistently. If you are not familiar with homeopathy, note it's the frequency of the dosing, not the amount of each dose that matters.

You might want to read the individual bottle instructions shown in the images on the product page to get an idea of the time commitment. It may seem overwhelming at first just because the cancer sets have a lot of parts to it, but keep a chart and you'll get used to it pretty quick.

Many pets lived with the help of hampl products when vets have suggested the pet be euthanized. So if a Vet suggests that, I would ignore it; go with your instincts and what you perceive your pet's will to live is

Re the AN274, no I have no used it. However, I do have a customer that used them for a few months—her husband died then one of her pets died. They helped her a great deal.

Almost all of these remedies can be for humans. Homeopathy in particular—are really very mild. You can't OD on them and they don't interfere with prescriptions (although harder for them to work if the immune system is being suppressed).

Diana

56. On February 18, 2021, I responded to Diana with the following:

Bill Murphy <soxmurphy125@gmail.com> Thu, Feb 18, 2021 at 9:02 AM
To: Diana Daffin <holistichealthypet@gmail.com>

thank you Diana, I appreciate you getting back to me so quickly.

57. On February 22, 2021, I navigated to the holistichealthypet.com website and completed an undercover purchase of AN013(D) Cancer, Brain Tumor Naturopathic immune support remedy, \$220.50, AN206 Cancer, Cone Cancer (Osteosarcoma), Spindle Cell tumor

remedy, \$258.30 and AN274 Emotional Human Remedies, Denial, Anger, acceptance remedy at a cost of \$105.00. The shipping charge was \$8.80. The purchase was recoded using the program Snagit. The purchase was paid for with a UC credit card under the name William Murphy, account last four of 4621. The UC email account used in the purchase was soxmurphy125@gmail.com. The order number 2526 was provided by the website upon completion of the order.

58. On February 22, 2021, I sent an email to the Subject Account from UC email account soxmurphy125@gmail.com stating the following:

Bill Murphy <soxmurphy125@gmail.com> To: Diana Daffin <holistichealthypet@gmail.com>	Tue, Feb 23, 2021 at 12:34 PM
Hi Diana,	
just made my purchase, I'm hoping for the best, my dog(s) are very important to me. to bad none of this holistic therapy worked on the COVID 19 virus, then you'd be set... :)	
Bill	

59. On February 23, 2021, I received an email from the Subject Account via the UC email address stating the following:

Diana Daffin <holistichealthypet@gmail.com> To: Bill Murphy <soxmurphy125@gmail.com>	Tue, Feb 23, 2021 at 3:07 PM
This stuff does work for covid, but fda shut it down. They don't want anything to fix covid, let alone natural remedies. They have a much bigger agenda in mind for this virus and vaccines	

60. Later that day, I sent an email to the Subject Account from the UC email address

Bill Murphy <soxmurphy125@gmail.com> To: Diana Daffin <holistichealthypet@gmail.com>	Tue, Feb 23, 2021 at 3:44 PM
that doesn't sound right, why did they shut it down? which remedy was it and can I try it?	

61. I received the following response from the Subject Account:

Diana Daffin <holistichealthypet@gmail.com> Tue, Feb 23, 2021 at 5:30 PM
To: Bill Murphy <soxmurphy125@gmail.com>

Haml made for humans and is still on their website look at their website AN330 and AN331. After haml and i were warnee by fda, haml renamed the products from China (which is how fda found us) to Pandemic and i removed the products from my website.

If you google fda warnings, you'll see all kinds of natural products fda has warned including colloidal silver from a company, cbd oils, dr mercola has had several warnings... fda doesn't want any competition and were really in the hunt to remove any and all products and info re covid.

Haml and i have been warned that they these all natural homeopathy and herbs are unapproved animal drugs. Its okay to have remedies for anatomy parts like lungs, bladder, kidney, etc. But they really don't like marketing products like cancer, heartworm, anemia, etc. Pretty crazy. My searching looks loko if they're products created by Vets, they get a pass.

Anyway, the haml covid includes the homeopathy nosodes, which are natural vaccines and for relief if symptoms of the virus, take those same nosodes plus homeopathy for respiratory and anti viral herbs. If interested, i'll see what i still have. The nosodes are just 2 pellets 1x week for 10 weeks.

I took them months ago and haven't gotten a cold, flu, etc at all and i don'tt take precautions, i'm a believer in building my immunity

62. On February 24, 2021, I sent an email to the Subject Account via the UC email address stating:

Bill Murphy <soxmurphy125@gmail.com> Wed, Feb 24, 2021 at 8:27 AM
To: Diana Daffin <holistichealthypet@gmail.com>

I am interested, if you still have them I will give them a try. Last thing i need is to get the virus. Did you get my order i placed yesterday, i haven't received a confirmation email, the order number was 2526, let me know how much the covid nosodes are.

Bill

63. Later that day, I received an email from the Subject Account stating:

holistichealthypet@gmail.com <holistichealthypet@gmail.com> Wed, Feb 24, 2021 at 10:25 AM
To: Bill Murphy <soxmurphy125@gmail.com>

Yes I received your order; it'll go out today. You should have received an email confirmation, please check your spam folder and let me know if you didn't receive it.

Assuming you entered your email with your order, you should have received it.

Re the china nosodes, is it just for you? One 50ml bottle would be enough for several people, so is that the size you'd like? It would be \$35 and i can email you an invoice since it's not on my website

I'm preparing your order now, i'll add the weight of a 50ml bottle just in case.

Diana

64. A few minutes later, I sent an email to the Subject Account via the UC account stating:

Bill Murphy <soxmurphy125@gmail.com> To: Diana Daffin <holistichealthypet@gmail.com>	Wed, Feb 24, 2021 at 10:32 AM
Yes, please add the COVID remedy. Emailing the invoice works for me. thank you.	
Bill	

65. I sent another email stating:

Bill Murphy <soxmurphy125@gmail.com> To: Diana Daffin <holistichealthypet@gmail.com>	Wed, Feb 24, 2021 at 10:55 AM
Diana,	
I checked my spam folder and didn't see the invoice.	

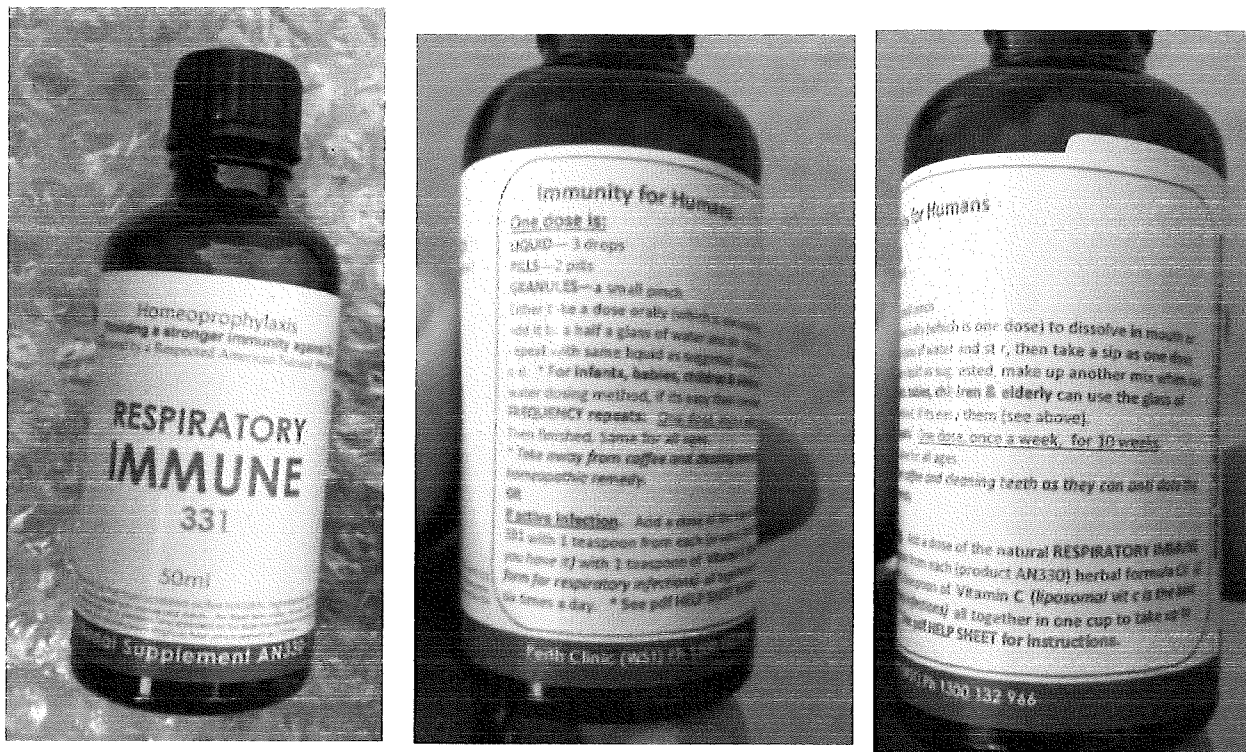
66. I received the following response:

holistichealthypet@gmail.com <holistichealthypet@gmail.com> To: Bill Murphy <soxmurphy125@gmail.com>	Wed, Feb 24, 2021 at 11:04 AM
Sorry about that, no idea why you didn't get and I'm not great at the inner workings or how to get you a copy.	
I just sent you an invoice to add the Immunity, maybe you can print the order from it?	
I'll also be printing the entire order with shipping tracking, so perhaps you will get another copy then.	

67. On March 5, 2021, I received a package in New Hampshire containing the products purchased on February 22, 2021, from the holistichealthypet.com website. The shipping label listed the package was from Holistic Healthy Pet, 6768 Lynrose Court, Charlotte, NC 28226 and was shipped via Shopify ePostage, by USPS Priority Mail. Daffin never asked for and I never provided a prescription for this order.

68. Shopify ePostage is a company that allows customers to create pre-paid Priority Mail shipping labels on ordinary printer paper. The labels include delivery confirmation numbers to track date and time of delivery or attempted delivery.

69. The package contained the products ordered—including the supposed HAMPL COVID-19 treatment: “Respiratory Immune”; “331”; “50ml”:



70. The font of the label stated, among other things: “Providing a stronger immunity against CV” and “Nutritional Supplement AN330-1.” The back of the label stated, among other things: “Immunity for Humans” and stated that for “active infection” the product should be taken with “AN330.”

71. The package also contained a sample of HAMPL Vacc Detox 40-42 (vaccinosis), which consisted of an unknown granular substance.

72. On April 9, 2021, I completed searches of FDA databases that list and provide information about FDA-approved human and animal drugs and found no FDA-approved drug applications on file for HAMPL, Holistic Animal Remedies, or Holistic Healthy Pet.

73. Based on information contained on the holistichealthypet.com website and gathered through open source searches, I believe the HAMPL products offered for sale on the holistichealthypet.com website originate from Holistic Animal Remedies dba HAMPL Pet Formulas, located in North Perth, Australia.

74. On April 9, 2021, Homeland Security Investigations (HSI) conducted an import history analysis of Diana Daffin. From June 2015, to present Daffin had received over one hundred (100) packages from HAMPL or its associated persons and Australian business entities, including Adam Hayes, Diana Moon-Hayes, and Ariel Wings Pty. Ltd., that are further identified in paragraph 42 above. The majority of those packages were shipped to Daffin at Lynrose Court.

SURVEILLANCE WITH U.S. POSTAL SERVICE

75. On February 17, 2021, The United States Postal Service (USPS) provided business account documents listing Diana Daffin as registering her business Holistic Healthy Pet on June 26, 2018, with an address of 6768 Lynrose Court, Charlotte, NC 28226 and email address holistichealthypet@gmail.com.

76. Additional information provided from the USPS included a report containing a list of over 450 Click-N-Ship shipments generated by Daffin and mailed from 6768 Lynrose Court, Charlotte, NC 28226 between 2018 and 2020. The packages were shipped via USPS Priority Mail and Priority Mail Express to multiple U.S. states and Canada.

77. Click-N-Ship is a service offered by the USPS that allows customers to create pre-paid Priority Mail shipping labels on ordinary printer paper. The labels include delivery confirmation numbers to track date and time of delivery or attempted delivery.

78. On March 22, 2021, Postal Inspector Kelley McKiernan and I coordinated with the Acting Manager of the Ballantyne Station Post Office, 8240 Ballantyne Commons Way, Charlotte, NC. The Acting Manager ran a check of a postal program that allowed customers to request package pickups. The results identified that Daffin used the online notification system on occasion to inform the postal carrier of the need for a package pick up at her residence. The notification system was used by customers who had the ability to print postage from their home or business, affix their package with that postage and have a carrier pick up the ready to mail package.

79. On this same day, Inspector McKiernan and I spoke with the backup postal carrier for the area that included the Daffin residence. He stated he was familiar with the Daffin residence and related it was not unusual for packages to be left in or near the mailbox associated with 6768 Lynrose Court, Charlotte, NC. He stated the packages were always affixed with prepaid labels.

80. On March 23, 2021, Inspector McKiernan and I spoke with the regular carrier for the area that included the Daffin residence. He stated packages were left in or near the mailbox associated with 6768 Lynrose Court, Charlotte, NC at least every other day, sometimes in quantities that the packages are left in a bin near the mailbox. He stated the packages were always affixed with prepaid labels. He further stated occasionally the post office automated system notifying the carrier of a package was used, but this was not a normal event.

81. On March 23, 2021, Inspector McKiernan and I observed the regular postal carrier exiting the cul-de-sac containing 6768 Lynrose Court. We met the carrier down the street away from the residence. The carrier informed us that he just picked up a package from the

Daffin residence and showed the package to us. The package was addressed to: Dita Black, 350 SE 2nd St, Apt 1160, Ft Lauderdale, FL 33301-1955, from: Holistic Healthy Pet, 6768 Lynrose Court, Charlotte, NC 28226. The package postage was pre-paid via Shopify ePostage.

82. On March 24, 2021, Inspector McKiernan and I observed the regular postal carrier collect a package from the mailbox associated with 6768 Lynrose Court, Charlotte, NC. We met the carrier down the street away from the residence. The carrier informed us that he just picked up a package from the Daffin residence and showed the package to us. The package was addressed to: Ana Vlaicu, 11 Realnautic Ct, Hampton Bays, NY 11946-1112, from: Holistic Healthy Pet, 6768 Lynrose Court, Charlotte, NC 28226. The package postage was pre-paid via Shopify ePostage.

CONCLUSION

83. Based on the information in this Affidavit, probable cause exists to believe that Diana Daffin has committed and is committing criminal violations of the Food, Drug, and Cosmetic Act, namely 21 U.S.C. § 331(a) (the introduction or delivery for introduction into interstate commerce of a misbranded or adulterated drug); 21 U.S.C. § 331(c) (the receipt in interstate commerce of any misbranded or adulterated drug and the delivery or proffered delivery thereof for pay or otherwise after that receipt); 21 U.S.C. § 331(d) (the introduction or delivery for introduction into interstate commerce of an unapproved new drug); and 21 U.S.C. § 331(k) (doing any act with respect to a drug if such act is done while such article is held for sale after shipment in interstate commerce and results in such article being misbranded). Accordingly, I request that this Honorable Court issue a Complaint and Arrest Warrant for Diana Daffin.

Respectfully submitted,

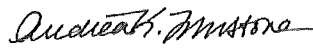

/s/ William Hughes

William Hughes
Special Agent
FDA

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.

Date: May 7, 2021

Time: 3:18 PM, May 7, 2021

Andrea K. Johnstone
U.S. Magistrate Judge